



PUBLIC NOTICE

**Federal Communications Commission
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DA 00-239

Released: February 10, 2000

**Cinergy Corporation Seeks Commission Determination of "Exempt
Telecommunications Company" Status For Cinergy Telecommunications
Networks Holdings, Inc., et al. Under the Public Utility Holding Company
Act of 1935, As Amended by Section 103 of the Telecommunications Act of 1996**

Applicants and NSD File Numbers:

Cinergy Telecommunications Networks Holdings, Inc. – ETC 00-03

Cinergy Telecommunication Networks, Inc. – ETC 00-04

Cinergy Telecommunication Networks – Ohio, Inc. – ETC 00-05

Cinergy Telecommunication Networks – Indiana, Inc. – ETC 00-06

Cinergy Telecommunication Networks – Kentucky, Inc. – ETC 00-07

Pleading Cycle Established

Comments Due: March 3, 2000

Reply Comments Due: March 17, 2000

On February 4, 2000, Cinergy Corporation, pursuant to Section 34(a)(1) of the Public Utility Holding Company Act of 1935 ("PUHCA"), as added by Section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed a joint application for Cinergy Telecommunications Networks, Holdings, Inc. ("CTN Holdings"); Cinergy Telecommunication Networks, Inc. ("CTN"); Cinergy Telecommunication Networks-Ohio, Inc. ("CTN-OH"); Cinergy Telecommunication Networks-Indiana, Inc. ("CTN-IN"); and Cinergy Telecommunication Networks-Kentucky, Inc. ("CTN-KY") ("Applicants"), requesting a Commission determination that they are exempt telecommunications companies ("ETC").

CTN-Holdings owns all the outstanding capital stock of each of CTN, CTN-OH, CTN-IN, and CTN-KY. CTN-HOLDINGS is a direct, wholly owned subsidiary of Cinergy Communications, Inc., a Delaware corporation which itself is an ETC ("CCI"). CCI in turn is an indirect, wholly owned subsidiary of Cinergy Corp., a registered holding company under PUHCA.

Applicants will be engaged directly, or indirectly through one or more affiliates (as defined in Section 2(a)(11)(B) of PUHCA), and exclusively in the business of providing: (A) telecommunications services; (B) information services; (C) other services or products subject to

the jurisdiction of the Commission; and/or (D) products or services that are related or incidental to the provision of a product or service described in (A), (B) or (C) above.

CTN Holdings intends to function solely as a holding company for its operating company subsidiaries, CTN, CTN-OH, CTN-IN, and CTN-KY. As such, CTN Holdings, among other things, will collect and report the consolidated activities of its four subsidiaries, which as described further below, intend to provide a limited range of facilities-based telecommunications services throughout the States of Ohio, Indiana and Kentucky.

CTN intends to provide a limited range of facilities-based telecommunications services throughout the States of Ohio, Indiana and Kentucky. CTN does not propose to offer any switched services. Rather, CTN intends to provide non-switched, dedicated telecommunications services, primarily involving the installation and use of fiber optic or broadband facilities to connect (a) various premises of CTN's customers, (b) premises of CTN's customers with the points of presence of interexchange carriers, or (c) the premises of CTN's customers with internet service providers. In many cases, CTN will only be providing "dark fiber" for use by others. CTN may also provide its dedicated telecommunications services using wireless facilities.

CTN-OH intends to provide a limited range of facilities-based telecommunications services throughout the State of Ohio. CTN-OH does not propose to offer any switched services. Rather, CTN-OH intends to provide non-switched, dedicated telecommunications services, primarily involving the installation and use of fiber optic or broadband facilities to connect (a) various premises of CTN-OH's customers, (b) premises of CTN-OH's customers with the points of presence of interexchange carriers, or (c) the premises of CTN-OH's customers with internet service providers. In many cases, CTN-OH will only be providing "dark fiber" for use by others. CTN-OH may also provide its dedicated telecommunications services using wireless facilities.

CTN-IN intends to provide a limited range of facilities-based telecommunications services throughout the State of Indiana. CTN-IN does not propose to offer any switched services. Rather, CTN-IN intends to provide non-switched, dedicated telecommunications services, primarily involving the installation and use of fiber optic or broadband facilities to connect (a) various premises of CTN-IN's customers, (b) premises of CTN-IN's customers with the points of presence of interexchange carriers, or (c) the premises of CTN-IN's customers with internet service providers. In many cases, CTN-IN will only be providing "dark fiber" for use by others. CTN-IN may also provide its dedicated telecommunications services using wireless facilities.

CTN-KY intends to provide a limited range of facilities-based telecommunications services throughout the State of Kentucky. CTN-KY does not propose to offer any switched services. Rather, CTN-KY intends to provide non-switched, dedicated telecommunications services, primarily involving the installation and use of fiber optic or broadband facilities to connect (a) various premises of CTN-KY's customers, (b) premises of CTN-KY's customers with internet service providers. In many cases, CTN-KY will only be providing "dark fiber" for use by others. CTN-KY may also provide its dedicated telecommunications services using wireless facilities.

In addition to or in lieu of the initial planned activities just described, Applicants may in the future engage in such other business activities as are consistent with the definition of an ETC set forth in Section 34(a)(1) of PUHCA.

In accordance with 47 C.F.R. § 1.5004, if the Commission does not issue an order denying any of the applications within 60 days of receipt of the applications, February 4, 2000, the applications will be deemed granted as a matter of law. In accordance with 47 C.F.R. § 1.5003, a person applying in good faith for a Commission determination of ETC status is deemed to be an ETC from the date of receipt of the application, February 4, 2000, until the date of Commission action pursuant to 47 C.F.R. § 1.5004. In accord with 47 C.F.R. § 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange Commission (SEC) that CTN Holdings, CTN, CTN-OH, CTN-IN, and CTN-KY are deemed to be exempt telecommunications companies. In the event that the Commission issues an order within 60 days of receipt of the applications denying any application, the Secretary will so notify the SEC. Otherwise, the Commission will take no further action to grant these applications.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the applications requesting status as an ETC, must do so no later than **March 3, 2000**. All comments should also be served on the applicants. Reply comments must be filed no later than **March 17, 2000**.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one copy to ITS, at 1231 20th Street, NW, Washington, D.C. 20036 and two copies to Al McCloud, Common Carrier Bureau, Network Services Division, FCC, 445 12th Street, SW, Room 6-A320, Washington, D.C. 20554. All filings concerning any of the matters referenced in this Public Notice should refer to NSD File Nos. **ETC 00-03 (CTN-Holdings); ETC 00-04 (CTN); ETC 00-05 (CTN-OH); ETC 00-06 (CTN-IN); and CTN 00-07 (CTN-KY)**. These applications will be available for public inspection Monday through Friday in the FCC Reference Center, Portals II, 445 12th Street, SW, Suite CY-A257, Washington, D.C., 20554, (202) 418-0267.

For further information, contact Al McCloud, (202) 418-2499 (voice), amcccloud@fcc.gov or Marty Schwimmer, (202) 418-2320 (voice), mschwimm@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484.

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